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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 AUSTIN BAUN GAVELLO,

11 Defendant.

NO: 1:15-CR-2039-TOR

ORDER DISMISSING COUNTS 1-3
AND 5-7 OF THE INDICTMENT

12 BEFORE THE COURT is the government's Motion to Dismiss Counts 1-3
13 and 5-7 of the Indictment (ECF No. 50). The motion was submitted for
14 consideration without oral argument. The Court has reviewed the motion and the
15 file therein, and is fully informed. On October 5, 2015, pursuant to a plea
16 agreement, Defendant entered a guilty plea to Count 4 of the Indictment charging
17 him with the misdemeanor offense of Theft of Government Property (ECF No. 36).
18 Thereafter, on December 7, 2015, a sentencing hearing was held by Magistrate
19 Judge James P. Hutton. Pursuant to the terms of the plea agreement, the
20 government now moves the Court to dismiss the remaining counts of the

1 Indictment. Therefore, for good cause shown, the motion is granted. However, the
2 Court makes no judgment as to the merit or wisdom of this dismissal.

3 Accordingly, IT IS HEREBY ORDERED:

4 1. The government's Motion to Dismiss Counts 1-3 and 5-7 of the
5 Indictment (ECF No. 50) is **GRANTED**.

6 2. Counts 1-3 and 5-7 of the Indictment (ECF No. 1) are **DISMISSED with**
7 **prejudice**.

8 The District Court Executive is hereby directed to enter this Order and
9 provide copies to counsel, the U.S. Probation Office, and the U.S. Marshal's
10 Service.

11 **DATED** December 16, 2015.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge